

**PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF AUGUST 23, 2005.**

**ATTENDANCE**

**COUNCIL:** Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

**ABSENT:** None

**COUNCIL STAFF:** Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

**ADMINISTRATIVE STAFF:** L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (Associate CFO), Gail Smith (Director of Administrative Services), Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Gerald Boudreaux (Parks & Recreation Director), Terry Huval (Utilities Director), Melanie Lewis (Director of Community Development), Pat Ottinger (Legal Counsel)

**COMMENCEMENT**

(TAPE 1)(SIDE A)(131) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of August 23, 2005 to order.

(TAPE 1)(SIDE A)(132) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

The Chair called upon Councilmember Marc Mouton to give the invocation and then lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)(165) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT'S REPORT**  
*No report was given.*

(TAPE 1)(SIDE A)(168) AGENDA ITEM NO. 4: **COUNCIL ANNOUNCEMENTS**

- Benjamin rebutted an editorial in the *Daily Advertiser* regarding funding to the Cajundome by stating that the issue was to try to help the Cajundome become self-sufficient. It was not his intent to remove Cajundome funding from the budget.

**RESOLUTIONS**

(TAPE 1)(SIDE A)(229) AGENDA ITEM NO. 5: R-059-2005 A resolution of the Lafayette City-Parish Council authorizing the disposition of surplus property owned by the Lafayette City-Parish Consolidated Government (Dayton Speedaire Air Compressor), motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque, Mouton, Menard

NAYS: None

ABSENT: Broussard, Stevenson

ABSTAIN: None

*Motion was unanimously approved.*

**ORDINANCES FOR FINAL ADOPTION**

(TAPE 1)(SIDE A)(239) AGENDA ITEM NO. 6: O-212-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 74, “Solid Waste,” Article I. “In General,” and Article II. “Littering,” and adding Section 74-20, “Shopping Carts,” to provide for the responsibilities of merchants concerning shopping carts off-premises, and the removal, redemption, destruction, notice and identification of shopping carts, and to provide for related matters. *Item was deferred by Williams until the September 6, 2005 Council Meeting.*

(TAPE 1)(SIDE A)(242) AGENDA ITEM NO. 7: O-222-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 94, Article I, Section 94-12, "Exclusion of certain costs and revenues in computation of annual in-lieu-of-tax payment", motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved.*

Lalumia explained that this is an annual ordinance to clarify that the fuel or part of the fuel revenues will be excluded from the in-lieu-of-tax computation.

(TAPE 1)(SIDE A)(260) AGENDA ITEM NO. 8: O-223-2005 An ordinance of the Lafayette City-Parish Council setting forth and designating the adjusted ad valorem tax millage rates and imposing taxes on all property subject to ad valorem taxation in the City of Lafayette and the Parish of Lafayette and authorizing the assessor and tax collector for the Parish of Lafayette to assess and collect tax millages for 2005, motion to adopt by Stevenson, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved.*

Lalumia explained that none of the millages were being rolled forward.

(TAPE 1)(SIDE A)(276) AGENDA ITEM NO. 9: O-224-2005 An ordinance of the Lafayette City-Parish Council authorizing the Tax Assessor and Tax Collector for the Parish of Lafayette to assess and collect the millage rate for 2005 at the rate of 1.71 mills for the Lafayette Airport Commission, motion to adopt by Stevenson, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved.*

Lalumia explained that none of the millages were being rolled forward.

(TAPE 1)(SIDE A)(289) AGENDA ITEM NO. 10: O-225-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by recognizing \$44,182 in new revenue from the Recycling Foundation, Inc. for sale of recyclable commodities which exceeded the price ceiling, as established in Contract No. 500-94-063, and increasing Reserve-Equipment Purchases within the Department of Public Works, motion to adopt by Stevenson, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved.*

(TAPE 1)(SIDE A)(304) AGENDA ITEM NO. 11: O-226-2005 An ordinance of the Lafayette City-Parish Council amending Contract No. 500-94-063 between Lafayette City-Parish Consolidated Government and the Recycling Foundation, Inc., motion to adopt by Stevenson, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved.*

Mark Pope, Recycling Supervisor, and Boyd Boswell, EQ Manager, gave a presentation on the proposed recycling contract extension. They explained that this ordinance would allow for a 10-year extension of the contract for the purpose of amortizing the requisite costs of purchasing single-stream recycling bins (one container per household); upgrading their collection truck fleet; and building a new processing plant for incoming recyclables.

Williams encouraged diversity in the promotions area in order to get the word out to everyone. Upon questioning by Williams, Boswell explained that 1) after the single-stream system is instituted, the projected goal is 65%; 2) the Recycling Foundation will actually provide the single-stream carts; 3) this program is mainly residential but Lafayette Parish Schools are about to begin to participate; 4) the extension of this contract will not affect the floors and ceilings of pricing. If there were to be any changes, they would come before the Council; and 5) Lafayette is still No. 1 in the State.

**The following individual was recognized:**

Mick Stanbro, with Recycling Services, Inc. located Alexandria, LA, stated they were interested in participating in the curbside, recycling program in Lafayette.

Broussard asked Mr. Stanbro if they do the same type of work as the Recycling Foundation. Stanbro answered no, they do not have a curbside contract but they have more than ample experience. Upon further questioning by Broussard, Boswell explained that the cost per household is now at \$1.87 and is very competitive. The ceiling and floor will not change with this contract extension. Logan added that the contract was negotiated downward three times in return for extensions. This time, the price is not going down but a fixed price for ten years will be achieved, which will allow the Recycling Foundation the opportunity to make the investment to go to a new system.

Stevenson stated that there is a CPI increase built in each year. Boswell noted that the Recycling Foundation has not taken that increase in two years. Stevenson then stated that if the checks become a regular occurrence, he would rather lower the rate than accept the check.

(TAPE 1)(SIDE B)(127) AGENDA ITEM NO. 12: O-227-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into a License Agreement with the American Society of Composers, Authors & Publishers (ASCAP) to allow the Lafayette City-Parish Consolidated Government to publicly perform certain copyrighted musical compositions by means of live entertainment or by mechanical music performances, motion to adopt by Stevenson, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved.*

Ottinger explained that several months ago, a letter was received from ASCAP contending that LCG was in violation of copyright laws by reason of using certain recordings at the Parks & Recreation Department without a license. In order to avoid unnecessary litigation, a license has been negotiated to allow, on an annual basis, the utilization of copyrighted materials.

(TAPE 1)(SIDE B)(179) AGENDA ITEM NO. 13: O-228-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Umbrella License Agreement with the Motion Picture Licensing Corporation to allow the Lafayette City-Parish Consolidated Government to publicly perform videos and recordings of certain copyrighted motion pictures and other licensed programs, motion to adopt by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved.*

(TAPE 1)(SIDE B)(189) AGENDA ITEM NO. 14: O-229-2005 An ordinance of the Lafayette City-Parish Council realigning the pay of the incumbent Museum Curator (Education) as per the recommendations of Civil Service, motion to adopt by Mouton, seconded by Stevenson, and the vote was as follows:

YEAS: Williams, Benjamin

NAYS: Badeaux, Bourgeois, Broussard, Stevenson, Conque, Mouton, Menard

ABSENT: None

ABSTAIN: None

*Motion failed.*

Mike Sands, Civil Service Director, informed the Council that last year Ken Mouton, the previous Civil Service Director, recommended the realignment of salaries for two employees due to the hiring of a new curator at mid-point pay. Upon Mouton's retirement, Sands reinvestigated the issue and found there was a third realignment needed.

#### **ANNOUNCEMENT OF VACANCY ON BOARDS/COMMISSIONS**

(TAPE 1)(SIDE B)(219) AGENDA ITEM NO. 15: Due to a resignation, a vacancy exists on the Lafayette Preservation Commission to fill an unexpired term until August 31, 2006. This is a minority appointment.

***Individuals wishing to volunteer for the above vacancy must be a registered voter and a resident of Lafayette Parish. Resumes are to be forwarded to Norma A. Dugas, Clerk of the Council, P.O. Box 4017-C, Lafayette, LA 70502 no later than noon, Monday, September 5 with Council appointments to be made on September 6, 2005.***

#### **CONSIDER APPOINTMENTS BY THE COUNCIL, AS A WHOLE, TO FOLLOWING BOARDS/COMMISSIONS**

(TAPE 1)(SIDE B)(230) AGENDA ITEM NO. 16: Appointment of Mitch Coffman to the Atchafalaya Trace Commission to fill an unexpired term until November 16, 2005.

A motion was offered by Mouton, seconded by Broussard, to appoint Mitch Coffman to the Atchafalaya Trace Commission, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved.*

(TAPE 1)(SIDE B)(241) AGENDA ITEM NO. 17: Appointment of Bennett Bernard to the Lafayette Library Board of Control for a five year term effective August 31, 2005.

A motion was offered by Conque, seconded by Mouton, to appoint Bennett Bernard to the Library Board of Control, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved.*

(TAPE 1)(SIDE B)(253) AGENDA ITEM NO. 18: Appointment of Robert Carriker to the Lafayette Preservation Commission for a four year term effective August 31, 2005.

A motion was offered by Mouton, seconded by Stevenson, to appoint Robert Carriker to the Lafayette Preservation Commission, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(263) AGENDA ITEM NO. 19: Appointment of Mary Beth Lowry to the Lafayette Convention & Visitors Commission for a four year term effective September 2, 2005.

A motion was offered by Williams, seconded by Mouton, to appoint Mary Beth Lowry to the Lafayette Convention & Visitors Commission, and the vote was as follows:  
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard  
NAYS: None  
ABSENT: None  
ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(274) AGENDA ITEM NO. 20: Appointment of Andy Hartiens to the Lafayette Public Trust Financing Authority for a five year term effective August 28, 2005 (must be a Certified Public Accountant).

A motion was offered by Mouton, seconded by Stevenson, to appoint Andy Hartiens to the Lafayette Public Trust Financing Authority, and the vote was as follows:  
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard  
NAYS: None  
ABSENT: None  
ABSTAIN: None

Motion was unanimously approved.

NOTE: Councilmember Broussard nominated William Baker, the incumbent; however, he was ineligible due to having served his term limit.

(TAPE 1)(SIDE B)(311) AGENDA ITEM NO. 21: Appointment(s) by Council member(s) and/or City-Parish President and/or Area Mayors, and/or any other direct appointing authority.

<u>Appointing Authority</u>	<u>Appointee Name And Address</u>	<u>Board, Commission And/or Legal Agency</u>	<u>Term</u>	<u>Effective Date</u>
C-P President	Kolleen Verlander 610 Girard Park Drive Lafayette, LA 70506	Lafayette Preservation Commission	4 years	08/31/2005

**INTRODUCTORY ORDINANCES**

(TAPE 1)(SIDE B)(317) AGENDA ITEM NOS. 22 – 36: A motion was offered by Stevenson, seconded by Mouton, to approve for introduction the following ordinances (See amendment to Item 23), except Item 28 (O-237-2005), in-globo, and the vote was as follows:  
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard  
NAYS: None  
ABSENT: Mouton  
ABSTAIN: None  
Motion was unanimously approved.

22.     O-231-2005 An ordinance of the Lafayette City-Parish Council authorizing the Tax Assessor and Tax Collector for the Parish of Lafayette to assess and collect the millage rate for 2005 at the rate of 1.79 mills for the Lafayette Economic Development Authority.
23.     O-232-2005 An ordinance of the Lafayette City-Parish Council authorizing the Tax Assessor and Tax Collector for the Parish of Lafayette to assess and collect the increased millage rate for 2005 at the rate of 1.92 mills for the Lafayette Economic Development Authority. *Amended to take out “City and” in Section 2.*
24.     O-233-2005 An ordinance of the Lafayette City-Parish Council amending the Non-Exclusive Franchise Agreement with Coteau Water System, Inc., by extending the term of the franchise to conclude in the calendar year 2055.

25. O-234-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to execute a Servitude by Destination of Owner in order to designate as by destination a permanent drainage servitude and temporary construction servitudes on property adjudicated to the City of Lafayette, and now owned by the Lafayette City-Parish Consolidated Government in connection with the Alice Drive-Grand Avenue Outfall Improvement Project.
26. O-235-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish Consolidated Government to grant Atmos Energy a right-of-way to install a gas main extension for the Wetlands Golf Course Maintenance Building.
27. O-236-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances by enacting Sections 78-401 through 78-450 regarding pushcarts, outdoor dining and outdoor merchandise display.

(TAPE 1)(SIDE B)(420)

28. O-237-2005 An ordinance of the Lafayette City-Parish Council amending Section 34-31 and Sections 34-91 through Section 34-96, deleting Section 34-97 and Section 34-98, and adding Sections 34-201 through Section 34-208 of the Lafayette City-Parish Consolidated Code of Ordinances to establish a comprehensive plan to regulate and eliminate litter in the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

*A motion was offered by Bourgeois, seconded by Williams, to approve O-237-2005 for introduction, and the vote was as follows:*

*YEAS: Bourgeois, Williams*

*NAYS: Badeaux, Benjamin, Broussard, Stevenson, Conque, Menard*

*ABSENT: Mouton*

*ABSTAIN: None*

*Motion failed.*

29. O-238-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$6,770 from Reserve to various accounts within the Department of Public Works Environmental Quality Division for additional funding needed for litter abatement start-up costs.
30. O-239-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to appropriate additional funds for group health insurance via a supplemental transfer.
31. O-240-2005 An ordinance of the Lafayette City-Parish Council approving a Grant Agreement between Lafayette City-Parish Consolidated Government and the Louisiana Supreme Court and amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to recognize grant funds and necessary adjustments within the Office of Criminal Justice and Support Services/Drug Court.
32. O-241-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government increasing revenue in the amount of \$55,998.00 received from the State of Louisiana Governor's Office for the Safe and Drug Free Schools and Communities Act Grant and appropriating within the Office of Criminal Justice Support Services/Court Services.
33. O-242-2005 An ordinance of the Lafayette City-Parish Council approving and authorizing a Joint Cooperative Endeavor Agreement between the Lafayette City-Parish Consolidated Government ("City-Parish") and the Louisiana Gulf Coast Oil Exposition ("LAGCOE") concerning the provision of security services for the LAGCOE event which will occur from October 20, 2005 through October 29, 2005 in Lafayette, Louisiana and amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$25,000.00 received from LAGCOE and appropriating said funds to the Lafayette Police Department.
34. O-243-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05

operating budget of the Lafayette City-Parish Consolidated Government by authorizing the increase of revenue in the amount of \$17,920 from the State of Louisiana Governor's Office of Rural Development and appropriating within the Fire Department.

35. O-244-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$232,912 from Bellefontaine Drainage Improvements Project to Reserve – Council. (District 6)
36. O-245-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$523,000 from Reserve – Streets to Ambassador Caffery @ Ridge Intersection Improvements Project within the Department of Public Works for additional funding needed. (Districts 5 & 6) (Dee Stanley & Public Works)
37. Comments from the public concerning the above Introductory Ordinances. *No comments were made.*

### **ADJOURN**

(TAPE 1)(SIDE B)(446) There being no further business to come before the Council, Chair Menard declared the Regular Council Meeting adjourned.

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NORMA A. DUGAS, CLERK  
LAFAYETTE CITY-PARISH COUNCIL